

to becoming the youngest mayor in the history of Detroit. Yet, my joy has been destroyed by the hands that inflicted the worst attack against the United States since Pearl Harbor. I share the pain of Tuesday's attack with millions of Americans who have witnessed the subsequent carnage. My emotions cry out for retribution; yet my head tells me that while we must be resolute, we must also be deliberate and circumspect.

For now, as a nation, we stand at the edge of the abyss. We are poised to make the leap that our nation has rarely been called on to make; yet when called to do so, we have leaped with everything that we have. We are poised today to leap into the abyss of war and we cannot do so timidly. Our determination to triumph over terrorism must be resolute and undeterred. It is with a heavy heart that I stand before the American people prepared to tip my hand in favor of using military force. War intrinsically means the loss of lives. And I know that, in addition to the blood that has already been shed, our actions today will sanction further bloodshed of our sons and daughters. However, there are times when circumstance leaves us no choice. Tuesday's attack has left no doubt that our enemies seek to bring America under siege. We have no choice but to protect ourselves, and I have no choice but to support this joint resolution authorizing the President to respond militarily against our enemies.

Mr. BERMAN. Mr. Speaker, I rise in support of this resolution, which authorizes the use of force against those responsible for planning and carrying out Tuesday's horrific terrorist attacks. I don't take this lightly. Authorizing the use of our military is one of the most awesome responsibilities we have as members of this body. But at this moment we have no choice. We know the hijackers had ties to Osama bin Laden and his Al-Qaeda organization, which also bombed our embassies in Kenya and Tanzania and attacked the U.S.S. *Cole*.

The American people will no longer tolerate these barbaric acts. We must do whatever it takes, including the use of military force, to tract down bin Laden and destroy his organization. But this isn't just about bin Laden. There are other radical groups that engage in international terrorism, including Hezbollah, Hamas, and Islamic Jihad. To win the war against terrorism, we must eliminate the entire infrastructure that sustains these organizations.

This will involve getting tough with governments that aid and harbor terrorists. Syria allows Hezbollah to operate freely in Southern Lebanon. Iran recently hosted a terrorist "summit," and routinely provides arms and other assistance to Hezbollah and other radical groups. bin Laden is a "guest" of the Taliban regime in Afghanistan. The suicide bombers of Islamic Jihad and Hamas are nurtured by the Palestinian Authority.

The time has come for these and other governments to make a fundamental choice: Will they continue to support those responsible for taking the lives of thousands of innocent men, women and children? Or will they realize the error of their ways and end their financing, facilitating and harboring of terrorists and their organizational infrastructure, and their state-sponsored incitement of terrorist acts? For if they choose to continue their present course they are not states of concern, they are not rogue states, they are our enemies.

I applaud the administration's efforts to assemble an international coalition to fight terrorism. Working with our allies and other nations concerned about this scourge, we have a real opportunity to make the world safer for freedom and democracy.

Ms. SANCHEZ. Mr. Speaker, I will miss the rollcall vote on H.J. Res. 64, which will formally authorize the use of military force against the perpetrators of the terrorist attacks which occurred on September 11, 2001.

I have scheduled very important meetings in California over the weekend and Monday with district employers and employees to discuss the defense budget and other matters of national security. These meetings have been scheduled for some time, and cannot be easily reconfigured. Therefore, during the vote I will be unavoidably detained. The events of September 11 were horrific, and I request that the CONGRESSIONAL RECORD reflect that had I been present and voting, I would have cast my vote in favor of the resolution authorizing the use of military force.

Mr. OSE. Mr. Speaker, I rise today to give the President the authorization and support he needs to respond to the acts of terror committed this week against the American people.

When I was elected to this House, I took an oath to "support and defend the Constitution of the United States against all enemies, foreign and domestic." Today I reaffirm that vow by giving the President the authority to prosecute the battle against our enemies wherever they may hide.

The armed forces of the United States are the best in the world. And the men and women serving in them are ready to act and know our cause to be just.

There is no justification for these despicable actions. There is no justification for providing support or assistance to those who would wage war against innocent men, women and children. There is no place to hide from our coming actions.

In the words of another great President who led this nation in a time of turmoil, Abraham Lincoln, "Let us have faith that right makes might; and in that faith let us to the end, dare to do our duty as we understand it."

Mr. CAMP. Mr. Speaker, I rise in support of this joint resolution and in doing so, I stand in support of the President, the men and women of our Armed Forces, and Americans everywhere.

This egregious crime has struck the heart and soul of America but we will not falter or fail in our ideals and values; we will recover. This process is underway in the rescue, recovery and investigative efforts happening in Pennsylvania, New York, and the Washington DC, areas.

Last night both bodies of Congress passed a supplemental aid package to assist the President in providing necessary aid and support in the wake of these tragedies. Now, Congress should give the President the authority to find and punish those responsible for these crimes against humanity.

If the goal of these attacks was to demoralize or scare America and other peace loving nations, let me be clear in saying that these terrorists failed their mission. I say to them, your ungodly actions will be punished. We are a strong and united America.

The deplorable events that occurred on the morning of Tuesday, September 11, 2001, were undeniably an act of war. There is no

other way to classify the murder of defenseless, innocent civilians. I urge my colleagues to join me in supporting this resolution, giving the President our support to reinforce that the use of terror as a weapon will never be tolerated.

The SPEAKER. All time for debate has expired.

Pursuant to the order of the House of today, the joint resolution is considered as having been read for amendment and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. TIERNEY

Mr. TIERNEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. TIERNEY. I am, in its current form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. TIERNEY moves to recommit the joint resolution H.J. Res. 64 to the Committee on International Relations with instructions to report the same back to the House forthwith with the following amendment:

Add at the end the following new section:
SEC. 3. REPORTS TO CONGRESS; CONSULTATION.

(a) **REPORTS.**—At least once every 60 days after the date of the enactment of this resolution, the President shall submit to Congress a summary on the status of efforts made to carry out this resolution.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that, in addition to complying with subsection (a), the President should comply with all other reporting and consultation requirements under applicable provisions of law, including sections 3 and 4 of the War Powers Resolution.

The SPEAKER. The gentleman from Massachusetts (Mr. TIERNEY) is recognized for 5 minutes.

Mr. TIERNEY. Mr. Speaker, I join all of our colleagues and all Americans in our sorrow for Tuesday's victims and in our outrage for the despicable acts of cowardice which have so changed our lives. Tonight, we show our unity; and by so doing we serve notice that we, as a Nation, are resolved to hold accountable those responsible for Tuesday's terrorism.

As we go forward, I do not think this Congress wants to purposely abdicate its constitutional obligations and responsibilities. It seems unlikely that this Congress would knowingly deny itself the information that may well be necessary in the future in order to intelligently carry out its work with the President in meeting their shared responsibilities in the area of national security. Yet if we pass the resolution tonight, without first adding the language of this motion to recommit, I am concerned that that is precisely what might occur.

As written, the joint resolution refers to the War Powers Resolution but

could arguably be read not to require more than periodic reports to Congress, if any reports at all. Even the periodic reports could mean at least 6-month intervals could pass without adequate knowledge by which Congress could carry out its responsibilities.

Moreover, Mr. Speaker, successive executives have historically challenged the constitutionality of the War Powers Resolution. By passing this motion to recommit, we can cure that ambiguity and clarify the record.

In 1991, then President George H. W. Bush asked Congress to authorize his use of force, and he signed a joint resolution that included a requirement that the President submit to Congress at least once every 60 days a summary on the status of his efforts.

□ 2245

There is no reason why this Congress should ask for less as we join with this President, and no reason why in the spirit of unity, and consistent with the Constitution and the precedent set by his own father, that this President would not sign a resolution containing similar language.

So I move now to recommit the joint resolution to the Committee on International Relations with instructions to report the same back to the House forthwith in its amended form.

This is a straightforward and a simple amendment, Mr. Speaker. It will not delay our action here tonight. It continues to unite us in support of the President's existing authority to act to prevent future acts of terrorism and to locate and deal appropriately with those responsible for the tragic events of September 11. But it does clarify that the President report the status of his efforts to carry out this resolution. It does express our sense that as parties with a shared constitutional responsibility, the President comply with the statutory authority by consulting regularly with Congress and reporting every 60 days.

Whenever there exists a national emergency created by attack upon the United States, the Constitution empowers the President, as Commander in Chief, to introduce United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances.

This joint resolution reaffirms that power.

Congress and the American people want the President to be able to act to prevent future acts of terrorism; and so it is no surprise that the Constitution allows for such authority and no surprise that Congress acts to restate it tonight.

We should remember that national security is a shared responsibility, Mr. Speaker, requiring joint efforts and mutual respect by Congress and the President. Congress is a co-equal branch of government, specifically empowered by the Constitution, with the power to declare war and to make all

laws which will be necessary and proper for the carrying into execution of that power.

So while we specifically have not declared war tonight, we do make a law by which the President may engage United States Armed Forces in action against others.

The responsibilities of Congress, I believe, Mr. Speaker, obligate us to remain informed and to have consultation with the President concerning any action under this resolution. Our continued ability to act in concert as co-equal branches of government demands no less, and our obligation to American citizens everywhere demands at least that much.

We want to act in unison and we need the President's cooperation to do that. As a matter of mutual respect and as a sign of unity, as well as an act of constitutional statutory compliance, Mr. Speaker, I ask that we all vote to recommit and have it come back forthwith as amended.

Mr. HYDE. Mr. Speaker, I rise in opposition to the motion of the gentleman from Massachusetts to recommit the pending joint resolution.

The SPEAKER. The gentleman from Illinois is recognized for 5 minutes.

Mr. HYDE. Mr. Speaker, if adopted, the motion would seek to reimpose on the President the restrictions of the War Powers Resolution with regard to consultation with Congress and will impose new reporting requirements that go well beyond those contained in the War Powers Resolution.

This is illogical because the whole point of the joint resolution we are considering this evening is to clear away legal underbrush that might otherwise interfere with the ability of our President to respond to the treacherous attack on our Nation that took place 3 days ago. Most importantly, we are stripping away the restrictions of the War Powers Resolution.

It hardly makes sense to reimpose and, in one case, tighten the restrictions of the War Powers Resolution, if our larger purpose is to make it easier for the President to respond to terrorism.

In any other case, I might understand and sympathize with the interest of the gentleman in keeping the President on a short leash as he goes about exercising the authority we give him tonight. But this is not any other case. This is a situation in which our Nation has been attacked by a sinister enemy, and thousands of our fellow citizens have been killed.

I, for one, do not want to restrain our President as he goes about responding to this heinous attack. Many have compared the attack on Tuesday on our Nation to Pearl Harbor. After Pearl Harbor Congress declared war on Japan. We did not declare war subject to the requirement that President Roosevelt consult with Congress before sending our Armed Forces into action and periodically submit reports to Congress on how he was dealing with Japan.

More Americans died on Tuesday than died at Pearl Harbor. Congress should not restrain the response of President Bush to this act of aggression any more than President Roosevelt was restrained in his conduct of World War II.

I urge my colleagues to defeat the motion to recommit.

Mr. Speaker, I rise in opposition to the gentleman's motion to recommit the pending joint resolution.

If adopted, the motion would seek to reimpose on the President the restrictions of the War Powers Resolution with regard to consultation with Congress, and will impose new reporting requirements that go well beyond those contained in the War Powers Resolution. This is illogical, because the whole point of the joint resolution we are considering this evening is to clear away legal underbrush that might otherwise interfere with the ability of our President to respond to the treacherous attack on our nation that took place three days ago. Most importantly, we are stripping away the restrictions of the War Powers Resolution. It hardly makes sense to reimpose—and in one case tighten—the restrictions of the War Powers Resolution if our larger objective is to make it easier for the President to respond to terrorism.

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I urge my colleagues to defeat the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HYDE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 420, nays 1, not voting 10, as follows:

[Roll No. 342]

YEAS—420

Abercrombie	DeGette	Hyde
Ackerman	Delahunt	Inslee
Aderholt	DeLauro	Isakson
Akin	DeLay	Israel
Allen	DeMint	Issa
Andrews	Deutsch	Istook
Armey	Diaz-Balart	Jackson (IL)
Baca	Dicks	Jackson-Lee
Bachus	Dingell	(TX)
Baird	Doggett	Jefferson
Baker	Dooley	Jenkins
Baldacci	Doolittle	John
Baldwin	Doyle	Johnson (CT)
Barcia	Dreier	Johnson (IL)
Barr	Duncan	Johnson, E. B.
Barrett	Dunn	Johnson, Sam
Bartlett	Edwards	Jones (NC)
Barton	Ehlers	Jones (OH)
Bass	Ehrlich	Kanjorski
Becerra	Emerson	Kaptur
Bentsen	Engel	Keller
Bereuter	English	Kelly
Berkley	Eshoo	Kennedy (MN)
Berman	Etheridge	Kennedy (RI)
Berry	Evans	Kerns
Biggert	Everett	Kildee
Bilirakis	Fattah	Kind (WI)
Bishop	Ferguson	Kingston
Blagojevich	Filner	Kirk
Blumenauer	Flake	Klecza
Blunt	Fletcher	Knollenberg
Boehlert	Foley	Kolbe
Boehner	Forbes	Kucinich
Bonilla	Ford	LaFalce
Bonior	Fossella	LaHood
Bono	Frank	Lampson
Borski	Frelinghuysen	Langevin
Boswell	Frost	Lantos
Boucher	Galleghy	Largent
Boyd	Ganske	Larsen (WA)
Brady (PA)	Gekas	Larson (CT)
Brady (TX)	Gephardt	Latham
Brown (FL)	Gibbons	LaTourette
Brown (OH)	Gilchrest	Leach
Brown (SC)	Gillmor	Levin
Bryant	Gilman	Lewis (CA)
Burr	Gonzalez	Lewis (GA)
Burton	Goode	Lewis (KY)
Buyer	Goodlatte	Linder
Callahan	Gordon	LoBiondo
Calvert	Goss	Lofgren
Camp	Graham	Lowey
Cannon	Granger	Lucas (KY)
Cantor	Graves	Lucas (OK)
Capito	Green (TX)	Luther
Capps	Green (WI)	Maloney (CT)
Capuano	Greenwood	Maloney (NY)
Cardin	Grucci	Manzullo
Carson (IN)	Gutierrez	Markey
Carson (OK)	Gutknecht	Mascara
Castle	Hall (OH)	Matheson
Chabot	Hall (TX)	Matsui
Chambliss	Hansen	McCarthy (MO)
Clay	Harman	McCarthy (NY)
Clayton	Hart	McCollum
Clement	Hastert	McCrery
Clyburn	Hastings (FL)	McDermott
Coble	Hastings (WA)	McGovern
Collins	Hayes	McHugh
Combest	Hayworth	McInnis
Condit	Hefley	McIntyre
Cooksey	Herger	McKeon
Costello	Hill	McKinney
Cox	Hilleary	McNulty
Coyne	Hilliard	Meehan
Cramer	Hinchey	Meek (FL)
Crane	Hinojosa	Meeks (NY)
Crenshaw	Hobson	Menendez
Crowley	Hoeffel	Mica
Cubin	Hoekstra	Millender-
Culberson	Holden	McDonald
Cummings	Holt	Miller (FL)
Cunningham	Honda	Miller, Gary
Davis (CA)	Hookey	Miller, George
Davis (FL)	Horn	Mink
Davis (IL)	Hostettler	Mollohan
Davis, Jo Ann	Houghton	Moore
Davis, Tom	Hoyer	Moran (KS)
Deal	Hulshof	Moran (VA)
DeFazio	Hunter	Morella

Murtha	Rogers (KY)	Sununu
Myrick	Rogers (MI)	Sweeney
Nadler	Rohrabacher	Tancredo
Napolitano	Ros-Lehtinen	Tanner
Neal	Ross	Tauscher
Nethercutt	Rothman	Tauzin
Ney	Roukema	Taylor (MS)
Northup	Roybal-Allard	Taylor (NC)
Norwood	Royce	Terry
Nussle	Rush	Thomas
Oberstar	Ryan (WI)	Thompson (CA)
Obey	Ryun (KS)	Thompson (MS)
Oliver	Sabo	Thornberry
Ortiz	Sanders	Thune
Osborne	Sandlin	Thurman
Ose	Sawyer	Tiahrt
Otter	Schaffer	Tiberi
Owens	Schakowsky	Tierney
Oxley	Schiff	Toomey
Pallone	Schrock	Towns
Pascarella	Scott	Trafficant
Pastor	Sensenbrenner	Turner
Paul	Serrano	Udall (CO)
Payne	Sessions	Udall (NM)
Pelosi	Shadegg	Upton
Pence	Shaw	Velazquez
Peterson (MN)	Shays	Visclosky
Peterson (PA)	Sherman	Vitter
Phelps	Sherwood	Walden
Pickering	Shimkus	Walsh
Pitts	Shows	Wamp
Platts	Shuster	Waters
Pombo	Simmons	Watkins (OK)
Pomeroy	Simpson	Watson (CA)
Portman	Skeen	Watt (NC)
Price (NC)	Skelton	Watts (OK)
Pryce (OH)	Slaughter	Waxman
Putnam	Smith (MI)	Weiner
Quinn	Smith (NJ)	Weldon (FL)
Radanovich	Smith (TX)	Weldon (PA)
Rahall	Smith (WA)	Weller
Ramstad	Snyder	Wexler
Rangel	Solis	Whitfield
Regula	Souder	Wicker
Rehberg	Spratt	Wolf
Reyes	Stark	Woolsey
Reynolds	Stearns	Wu
Riley	Stenholm	Wynn
Rivers	Strickland	Young (AK)
Rodriguez	Stump	Young (FL)
Roemer	Stupak	

NAYS—1

Lee

NOT VOTING—10

Ballenger	King (NY)	Saxton
Conyers	Lipinski	Wilson
Farr	Petri	
Kilpatrick	Sanchez	

□ 2317

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PETRI. Mr. Speaker, on rollcall No. 342 I was unavoidably detained. Had I been present, I would have voted "yea."

The SPEAKER. Pursuant to the order of the House of earlier today, Senate Joint Resolution 23 is passed.

Without objection, a motion to reconsider Senate Joint Resolution 23 is laid on the table, and House Joint Resolution 64 is laid on the table.

There was no objection.

PRESERVING VIABILITY OF UNITED STATES AIR TRANSPORTATION SYSTEM

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure and the Committee on Ways and Means be discharged from further consideration of the bill (H.R. 2891) to preserve the continued viability of the

United States air transportation system, and ask for its immediate consideration in the House.

The SPEAKER pro tempore (Mr. SHIMKUS). Will the gentleman from Alaska withdraw his request momentarily?

Mr. YOUNG of Alaska. Momentarily I withdraw it, if the Speaker asks me to. You are the Speaker.

The SPEAKER pro tempore. The Chair is asking you to momentarily withdraw it.

Mr. YOUNG of Alaska. You have got that.

CONDEMNING PRICE GOUGING WITH RESPECT TO MOTOR FUELS FOLLOWING TERRORIST ACTS OF SEPTEMBER 11, 2001

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the resolution (H. Res. 238) condemning any price gouging with respect to motor fuels during the hours and days after the terrorist acts of September 11, 2001, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. SAWYER. Mr. Speaker, reserving the right to object, I do not intend to object, but yield to the gentleman from Texas (Mr. BARTON) to explain his request.

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we also want to thank the gentleman from Michigan (Mr. DINGELL), the gentleman from Virginia (Mr. BOUCHER), and all of the other minority members of the Committee on Energy and Commerce for working with the majority on this resolution.

Mr. Speaker, this resolution puts the House on record in condemning any acts of price gouging in gasoline or other motor fuels occurring after Tuesday's tragic events. Since Tuesday, there have been widespread media reports about gas stations in some parts of the country jacking up gas prices to as much as \$6 per gallon, more than a 300 percent increase.

While America sat stunned and friends and relatives wondered about the well-being of their loved ones, while parts of the country struggled to evacuate government buildings and tourist attractions, while our Nation's emergency response crews mobilized, some vendors were trying to line their own pockets. If this activity is not illegal, it is certainly disgraceful.

This resolution, on a bipartisan fashion, condemns price gouging, wherever it exists. Although prices may have returned to normal, and in most cases prices never escalated, the fact is, the potential remains for consumer abuse. This type of behavior undermines consumer confidence and contributes to